

## ORAL ARGUMENT NOT YET SCHEDULED

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Western States Petroleum Association,

Petitioner,

v.

U.S. Environmental Protection Agency,

Respondent.

No. 25-1080

**EPA's Unopposed Motion to Extend Abeyance**

As ordered by the Court on May 15, 2025, EPA files this motion to govern.

The agency requests an extension of abeyance for 45 days. Petitioner supports EPA's motion, and Intervenor California takes no position.

Petitioner challenges EPA's action, "California State Nonroad Engine Pollution Control Standards: Ocean-Going Vessels At-Berth; Notice of Decision," 88 Fed. Reg. 72461 (Oct. 20. 2023). On April 14, 2025, EPA moved to hold the case in abeyance to allow new leadership to review the challenged action or, alternatively, to dismiss the case as untimely. On the same day, California also moved to dismiss. Those motions were fully briefed by May. Shortly afterward,

the Court placed the case in abeyance with motions to govern due within 60 days of that order. Order (May 15, 2025).

EPA's new leadership needs additional time to receive briefing on the underlying action and consider next steps. That review could result in further agency action that may resolve some or all the issues here. Courts "routinely stay [their] hand when parties identify developments that are likely to render judicial resolution unnecessary." *Ctr. for Biological Diversity v. EPA*, 56 F.4th 55, 71 (D.C. Cir. 2022). Doing so is within the Court's "broad discretion to stay proceedings as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997); *see also Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936).

The Court should thus continue to hold this case in abeyance for another 45 days, with a motion to govern due at the end of that period.

Submitted on July 14, 2025.

/s/ Sue Chen

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### **Certificates of Service and Compliance**

I certify that this filing complies with Fed. R. App. P. 27(d)(1)(E) because it uses 14-point Times New Roman, a proportionally spaced font.

I also certify that this motion complies with Fed. R. App. P. 27(d)(2)(A), because by Microsoft Word's count, it has 261 words, excluding the parts exempted under Fed. R. App. P. 32(f).

Finally, I certify that on July 14, 2025, I filed the foregoing with the Court's CMS/ECF system, which will notify each represented party.

/s/ Sue Chen  
Sue Chen